

REMARKS

The Examiner has objected to Figures 7, 8A, 8B, and 9 and paragraphs 47.1 and 47.2 pursuant to 35 U.S.C. § 132(a) as allegedly new matter. Applicants submit that paragraphs [0030], [0032], and [0036] of the original Specification provide support, and therefore respectfully request withdrawal of the objections.

Further, the Examiner rejected claims 20-40 pursuant to 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Figures 1 and 3 and paragraph [0036] have been amended to fix typographical errors, thus clarifying the features of claims. Accordingly, Applicant respectfully requests withdrawal of the rejections.

The Examiner has rejected claims 20-23, 25-32, and 39-40 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 959,494 to Fisher ("Fisher"). Further, the Examiner rejected claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of U.S. Patent No. 5,172,944 to Munich ("Munich"). Further, the Examiner rejected claims 33-36 and 38 under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of U.S. Patent Application Pub. No. 2003/0024285 to Segawa ("Segawa"). Further, the Examiner rejected claim 37 under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of Segawa and further in view of U.S. Patent No. 5,862,690 to Jancsek ("Jancsek").

Claim 20 is amended herein. Claims 20-40 are currently pending. The following remarks are considered by Applicant to overcome each of the Examiner's outstanding rejections to current claims 20-40. An early Notice of Allowance is therefore requested.

I. SUMMARY OF RELEVANT LAW

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The determination of obviousness rests on whether the claimed invention as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. In determining

obviousness, four factors should be weighed: (1) the scope and content of the prior art, (2) the differences between the art and the claims at issue, (3) the level of ordinary skill in the art, and (4) whatever objective evidence may be present. Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor. The Examiner carries the burden under 35 U.S.C. § 103 to establish a prima facie case of obviousness and must show that the references relied on teach or suggest all of the limitations of the claims.

II. REJECTION OF CLAIMS 20-23, 25-32, AND 39-40 UNDER 35 U.S.C. § 102(B) BASED ON FISHER

The Examiner rejects claims 20-23, 25-32, and 39-40 as being anticipated by Fisher. These rejections are respectfully traversed and believed overcome in view of the following discussion.

Claim 20 states, in part:

“for each lock element, a driven toothed wheel, **which is directly connected** to the lock element so as to be rigid against rotation with respect to the lock element and which engages with the toothing of the lock rod, being held on the door in a rotatable manner in order to couple the lock rod with the lock element or lock elements;

wherein the lock rod of the fastener is a flat strip positioned parallel to a plane of the door or wall portion on a side of the toothed wheel that is close to a rim of the door or wall portion of the cabinet, thus reducing space needed on the door for the fastener.” (emphasis added).

Accordingly, claim 20 requires that the lock rod of the fastener is a flat strip positioned parallel to the plane of the door or wall portion on the side of the toothed wheel that is close to a rim of the door or wall portion of the cabinet, thus reducing space needed on the door for the fastener.

Applicants submit that Fisher fails to suggest or render predictable the above-identified feature. Specifically, Fisher shows a toothed rod being not flat and being positioned not on the side of the toothed wheel close to the rim but opposite the rim of the door.

Applicants submit that Munich and Segawa also fail to suggest or render predictable the above-identified feature of claim 20. In contrast, Munich discloses a toothed rod being parallel to the door plane, but shows a perforated rod being perpendicular to the door plane. Segawa shows a in Figure 1, a flat bar 12 being positioned at the side of the toothed wheel 11 being opposite to the rim of the door 2.

As Fisher fails to disclose the above claim language, Applicants respectfully assert that Examiner has failed to establish a prima facie case of anticipation of independent claim 20, and corresponding claims 21-23, 25-32, and 39-40 because they are all dependant from independent claim 20. Therefore, Applicant respectfully requests withdrawal of the anticipation rejections.

Applicants futher submit that with respect to claim 39, Fisher does not disclose that the lock rod is guided in such a way that it lies between the door frame 11 and toothed wheel 15, but outside thereof.

III. REJECTION OF CLAIM 24 UNDER 35 U.S.C. § 103(A) BASED ON FISHER AND MUNICH

The Examiner rejects claim 24 pursuant to 35 U.S.C. 103(a) as being obvious over Fisher in view of Munich. Claim 24 depends from independent claim 20. As claim 20 is allowable, so must be claim 24. Thus, Applicants respectfully request withdrawal of the obviousness rejection.

IV. REJECTION OF CLAIMS 33-36 AND 38 UNDER 35 U.S.C. § 103(A) BASED ON FISHER AND SEGAWA

The Examiner rejects claims 33-36 and 38 as being unpatentable over Fisher in view of Segawa. Claims 33-36 depend from independent claim 20. As claim 20 is allowable, so must be claims 33-36. Thus, Applicants respectfully request withdrawal of the obviousness rejections.

V. REJECTION OF CLAIM 37 UNDER 35 U.S.C. § 103(A) BASED ON FISHER, SEGAWA, AND JANCSEK

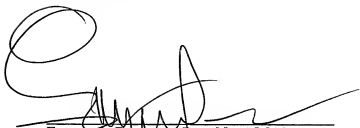
The Examiner rejects claim 37 as being unpatentable over Fisher in view of Segawa and further in view of Jancsek. Claim 37 depends from independent claim 20. As claim 20 is allowable, so must be claim 37. Thus, Applicants respectfully request withdrawal of the obviousness rejections.

Based upon the above remarks, Applicant respectfully requests reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Electronically Filed

Serial No.: 10/582,205
Atty. Docket No.: 135408.2034

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Eugene LeDanne', is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long, sweeping tail.

Eugene LeDanne - Reg. No. 35,930
FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVENUE
New York, NY 10151
Tel.: 212.588.0800

EL:RB
135408.2034